

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEVEN A. CARPENTER,

Plaintiff,

v.

Case No. 2:09-CV-0965

JUDGE EDMUND A. SARGUS, JR.

MAGISTRATE JUDGE NORAH MCCANN KING

OHIOHEALTH CORPORATION,

Defendant.

ORDER

Following the final pretrial conference held on Thursday, January 12, 2012, the Court orders the following:

With respect to Plaintiff's pending motions in limine, for the reasons stated at the conference:

- (1) The Court reserves judgment on Plaintiff's motion in limine regarding any open positions Defendant may have had after Plaintiff was terminated, and Plaintiff's efforts to obtain those positions (Doc. 68, ¶ A). Testimony offered regarding vacant positions at OhioHealth that may have existed after Plaintiff was terminated must reach the standard of substantially equivalent opportunities in a related field.
- (2) The Plaintiff's motion in limine regarding other injuries or medical conditions Plaintiff may have suffered from that are unrelated to the physical limitations caused by his back condition (Doc. 68, ¶ B) is **DENIED**. Defendant has indicated that it will not be offering evidence related to workers' compensation benefits.

With respect to Defendant's pending motions in limine, for the reasons stated at the conference:

- (1) Defendant's motion in limine regarding any evidence Plaintiff would offer for the purpose of showing that he is substantially limited in any major life activities other than reaching or bending (Doc. 67, ¶ A) is **DISMISSED as MOOT**.
- (2) Defendant's motion in limine regarding evidence related to the eleven positions for which Plaintiff applied at OhioHealth before he was terminated (Doc. 67, ¶ B) is **DENIED**.
- (3) Defendant's motion in limine regarding evidence presented to show that Defendant regarded Plaintiff as disabled (Doc. 67, ¶ C) is **DISMISSED as MOOT**.
- (4) Defendant's motion in limine regarding evidence presented to show that Defendant impermissibly terminated Plaintiff on April 25, 2008 because of his alleged disability, or for any other reason (Doc. 67, ¶ D) is **DISMISSED as MOOT**.
- (5) Defendant's motion in limine regarding evidence presented to show that Defendant retaliated against Plaintiff in any way, including by denying him other positions at OhioHealth, subjecting him to verbal discipline, or ultimately terminated him (Doc. 67, ¶ E) is **DISMISSED as MOOT**.
- (6) Defendant's motion in limine regarding evidence presented to show that OhioHealth discriminated against Plaintiff based on his age (Doc. 67, ¶ F) is **DISMISSED as MOOT**.
- (7) Defendant's motion in limine regarding evidence presented relative to Plaintiff's dismissed claims (Doc. 67, ¶ G) is **DISMISSED as MOOT**.

Additionally, Defendant's Motion to Quash Subpoena to EmmaLee Ponzio (Doc. 74) is **DENIED**.

IT IS SO ORDERED.

1-12-2014
DATED


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE